

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE  
FIRST REGULAR SESSION  
40th Legislative Day  
Thursday, May 9, 2013

The House met according to adjournment and was called to order by the Speaker.

Prayer by Honorable Reverend Stanley A. Moody, Columbia Street Baptist Church, Bangor.

National Anthem by Honorable Leila J. Percy, Warren.

Pledge of Allegiance.

Doctor of the day, Michael Chipman, D.O., Scarborough.

The Journal of yesterday was read and approved.

The House recessed for the purpose of conducting Welcome Back Day Ceremonies.

(After Recess)

The House was called to order by the Speaker.

**SENATE PAPERS**

The following Joint Resolution: (S.P. 502)

**JOINT RESOLUTION RECOGNIZING THE CITY OF SANFORD  
AS MAINE'S NEWEST CITY**

WHEREAS, Sanford, Maine's newest city, is located within beautiful York County, Maine's southernmost county and gateway; and

WHEREAS, the City of Sanford displays a visually breathtaking area of Maine, as it is bordered by ridges and is complemented by brooks and streams as they flow into the pristine Mousam River and then on to the Atlantic Ocean; and

WHEREAS, in 1661, Major William Phillips, an owner of mills in Saco, purchased from the Abenaki Chief Fluellin a tract of land, the western portion of which would become Sanford; and

WHEREAS, the first settlement in this area was established in 1739, and on February 27, 1768 it was incorporated as the Town of Sanford, named after Peleg Sanford, the son of Major Phillips; and

WHEREAS, Sanford held its first town meeting as ordered by the General Court of Massachusetts; and

WHEREAS, by a Special Act of the Maine Legislature in 1935, Sanford changed its form of governance to a representative town meeting; and

WHEREAS, in 2010 a charter commission developed a new charter, and, on November 6, 2012, the people of Sanford voted to establish Sanford as a city with a Council-Mayor-City Manager form of governance, effective January 1, 2013; and

WHEREAS, Sanford is a vibrant service center and economic hub with investments in exceptional infrastructure, economic development partnerships and quality of life and has now implemented a progressive and responsive form of governance reflective of its business-friendly accreditation, and the City of Sanford has been proclaimed "Open for Business"; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-sixth Legislature now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to recognize the transition of the Town of Sanford to the City of Sanford on January 1, 2013, the first city created

under Maine's home rule provisions enacted in 1970; and be it further

RESOLVED: That We acknowledge the commitment of all Sanford residents, past and present, to improve their legislative and administrative system in response to the needs and will of the people and businesses of Sanford, an economically vibrant and inviting community; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the 2010 Sanford Charter Commission and the Sanford City Councilors for display and preservation for the residents of Sanford, the newest city in Maine.

Came from the Senate, **READ** and **ADOPTED**.

**READ** and **ADOPTED** in concurrence.

Resolve, To Direct the Department of Economic and Community Development To Adopt Certain Eligibility Requirements Regarding Community Development Block Grants (S.P. 560) (L.D. 1499)

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

Came from the Senate, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

**REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** in concurrence.

**Non-Concurrent Matter**

Bill "An Act To Reimburse Philip Wolley for Litigation Expenses Incurred in Connection with His Termination and Reinstatement as a State Employee"

(H.P. 451) (L.D. 659)

Majority (10) **OUGHT NOT TO PASS** Report of the Committee on **VETERANS AND LEGAL AFFAIRS** **READ** and **ACCEPTED** in the House on May 2, 2013.

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **VETERANS AND LEGAL AFFAIRS** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

**COMMUNICATIONS**

The Following Communication: (S.C. 315)

**MAINE SENATE  
126TH LEGISLATURE  
OFFICE OF THE SECRETARY**

May 7, 2013

Honorable Mark W. Eves  
Speaker of the House  
2 State House Station  
Augusta, Maine 04333

Dear Speaker Eves:

In accordance with 3 M.R.S.A. §158 and Joint Rule 506 of the 126th Maine Legislature, please be advised that the Senate today confirmed the following nominations:

Upon the recommendation of the Committee on Energy, Utilities and Technology, the nomination of Mark A. Vannoy of Waldoboro for reappointment to the Public Utilities Commission.

Upon the recommendation of the Committee on Energy, Utilities and Technology, the nomination of Timothy R. Schneider of Portland for appointment as the Public Advocate.

Regards,

S/Darek M. Grant

Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

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**PETITIONS, BILLS AND RESOLVES REQUIRING  
REFERENCE**

The following Bills and Resolves were received, and upon the recommendation of the Committee on Reference of Bills were **REFERRED** to the following Committees, ordered printed and sent for concurrence:

**AGRICULTURE, CONSERVATION AND FORESTRY**

Resolve, Directing the Department of Agriculture, Conservation and Forestry To Create a Pilot Program To Support the State's Small Food Processors

(H.P. 1092) (L.D. 1521)

Sponsored by Representative McCABE of Skowhegan.

Resolve, Authorizing the Department of Agriculture, Conservation and Forestry, Division of Parks and Public Lands To Convey Certain Lands and Enter into Certain Leases with the Federal Government

(H.P. 1100) (L.D. 1527)

Sponsored by Representative DILL of Old Town.  
(GOVERNOR'S BILL)

Cosponsored by Senator JACKSON of Aroostook and Representatives: BLACK of Wilton, CRAY of Palmyra, MAREAN of Hollis, TIMBERLAKE of Turner.

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**EDUCATION AND CULTURAL AFFAIRS**

Bill "An Act To Protect Children from Exposure on the Internet without Parental Consent"

(H.P. 1093) (L.D. 1522)

Sponsored by Representative NADEAU of Winslow.

Cosponsored by Representatives: BOLAND of Sanford, CHENETTE of Saco, GRAHAM of North Yarmouth, KAENRATH of South Portland, RYKERSON of Kittery, WERTS of Auburn.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Bill "An Act To Address the Burden Placed on Students as a Result of Requirements To Take Remedial Courses"

(H.P. 1095) (L.D. 1524)

Sponsored by Representative COTTA of China. (GOVERNOR'S BILL)

Bill "An Act To Include Debt Service for Local School Construction Projects in the Required Local Share of Education Funding"

(H.P. 1099) (L.D. 1526)

Sponsored by Representative LIBBY of Lewiston.

Cosponsored by Senator KATZ of Kennebec and Representatives: CAREY of Lewiston, DAUGHTRY of Brunswick, HUBBELL of Bar Harbor, MAKER of Calais, POULIOT of Augusta, ROTUNDO of Lewiston.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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**ENVIRONMENT AND NATURAL RESOURCES**

Resolve, To Provide for Livable, Affordable Neighborhoods

(H.P. 1101) (L.D. 1528)

Sponsored by Representative CAMPBELL of Orrington.

Cosponsored by Senator BOYLE of Cumberland and Representatives: CRAY of Palmyra, HARLOW of Portland, REED of Carmel, TIMBERLAKE of Turner, Senator: SAVIELLO of Franklin.

**INSURANCE AND FINANCIAL SERVICES**

Bill "An Act To Streamline Billing for Mental Health Services"

(H.P. 1098) (L.D. 1525)

Sponsored by Speaker EVES of North Berwick.

Cosponsored by Senator LACHOWICZ of Kennebec.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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**JUDICIARY**

Bill "An Act To Strengthen the Laws Governing Mandatory Reporting of Child Abuse or Neglect"

(H.P. 1094) (L.D. 1523)

Sponsored by Representative MALABY of Hancock.  
(GOVERNOR'S BILL)

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By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH.**

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**ORDERS**

On motion of Representative LIBBY of Waterboro, the following Joint Resolution: (H.P. 1096) (Cosponsored by Senator TUTTLE of York)

**JOINT RESOLUTION TO ENCOURAGE AWARENESS  
OF LYNCH SYNDROME**

WHEREAS, over 600,000 persons in the United States have Lynch syndrome, an inherited condition that increases the risk of colon cancer and other cancers, but fewer than 5% of those persons are currently diagnosed; and

WHEREAS, Lynch syndrome is a hereditary predisposition presenting a high lifetime risk of contracting a variety of cancers, including up to an 85% lifetime risk of colon cancer and a 65% lifetime risk of endometrial cancer; and

WHEREAS, Lynch syndrome presents higher-than-average risks of contracting ovarian cancer, gastric tract cancers, hepatobiliary cancers, renal pelvic cancers, pancreatic cancer, prostate cancer, skin cancer, brain cancer and other cancers, often at an early age; and

WHEREAS, knowing one's family medical history of cancers may prompt genetic testing; and

WHEREAS, a positive genetic test will qualify most people for annual cancer screening and cancers may be detected early and treated or removed, often before becoming life-threatening; and

WHEREAS, the numbers of cancer deaths may be reduced as a result of public awareness of Lynch syndrome; and

WHEREAS, thousands of lives in Maine may be saved as the result of timely diagnoses of Lynch syndrome; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-sixth Legislature now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to encourage everyone to be aware of Lynch syndrome and to take any necessary steps possible for the prevention of cancer and early detection of treatable cancer.

**READ and ADOPTED.**

Sent for concurrence.

On motion of Representative COTTA of China, the following Joint Order: (H.P. 1097)

ORDERED, the Senate concurring, that the Joint Standing Committee on State and Local Government shall report out, to the House, a bill regarding term limits for Legislators.

**READ.**

On motion of Representative McCABE of Skowhegan, **TABLED** pending **PASSAGE** and later today assigned.

On motion of Representative RANKIN of Hiram, the following House Order: (H.O. 21)

ORDERED, that Representative H. David Cotta of China be excused May 7 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Peter Doak of Columbia Falls be excused May 2 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Mary Pennell Nelson of Falmouth be excused May 1 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Madonna M. Soctomah of the Passamaquoddy Tribe be excused May 2 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Alexander Reginald Willette of Mapleton be excused May 2 for health reasons.

**READ and PASSED.**

#### SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 519 and Joint Rule 213, the following items:

##### Recognizing:

the Honorable Nancy Randall Clark, of Freeport, on the celebration of her 75th birthday. A highly regarded member of the greater Freeport community and leader in Maine politics, Nancy is known for her zest for life and deep commitment to service. She was the first woman to ever be elected Senate Majority Leader in Maine. Nancy was elected to the Legislature in 1973 and served 3 terms in the House of Representatives. She was elected to the Senate in 1979, where she served 7 terms, one term as Assistant Senate Majority Leader and 3 terms as Senate Majority Leader. Nancy was a teacher for 40 years. She taught business education in Scarborough and then had a long career teaching in the Freeport school system. She was an involved member of the Maine Teachers Association, where she served as president and was a candidate for national leadership. Nancy has been a member with the Order of the Eastern Star for 39 years and is currently an Associate Matron. She served as Worthy Matron and Grand Electa. She has been a grange member for more than 4 decades and serves on the Executive Committee of the Maine State Grange, playing a vital role on the Legislative Committee. She is the current Master of Harraseeket Grange #9. Nancy served twice as president of the Cumberland County Retired Educators Association and remains a member. She has been a member of the board of the Maine State Society for the Protection of Animals for 37 years and a member of the Daughters of the American Revolution for 39 years. She has been a member of the South Freeport Congregational Church for almost 60 years and a member of the Freeport Woman's Club for 11 years, serving as its president twice and vice president twice. Nancy is a member of the Freeport Elders Association and is an active member of the Board of Directors of Freeport Community Services. We extend our congratulations and best wishes to Nancy on this very special occasion;

(SLS 315)

On **OBJECTION** of Representative GIDEON of Freeport, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The SPEAKER: The Chair recognizes the Representative from Freeport, Representative Gideon.

Representative **GIDEON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It is my great honor to recognize with all of you today, the Honorable Nancy Randall Clark. As you've just heard, she has been a leader in Maine politics and a steadfast volunteer in my own community of Freeport. She has dedicated 40 years of her life to the most noble profession, teaching our youth in our public schools, and to advocating for her fellow teachers as the former President of the Maine Teachers Association. In 1973, Nancy was a first term legislator in this House of Representatives, when her fellow Representatives repeatedly referred to her, not by her earned title but instead only as "Ma'am." In her very distinctive and strong voice, Nancy Randall Clark rose from her seat, stood her ground and insisted with her usual grace and vigor that her fellow members should please refer to her as "Representative" instead. Six years later, she moved on to the Senate where her colleagues elected her the first ever female Senate Majority Leader in Maine. Though Nancy could not be here with us today, I ask you to join me in celebrating the 75th birthday of this extraordinary woman and leader. Thank you, Mr. Speaker.

Subsequently, the Sentiment was **PASSED** in concurrence.

##### Recognizing:

Brenda Commander, duly elected Chief of the federally recognized Houlton Band of Maliseet Indians for an unprecedented 5th term of office. Chief Commander has served as Chief for 4 terms and almost 16 years. During her service, Chief Commander has dramatically improved the living conditions and future of her tribe and its members. Through the years, she has helped advance the financial, cultural and health security of both the tribe and the community at large. By attracting federal, state and local funds for important improvement projects, Chief Commander has inspired many Maliseets and others to rise to the challenge of making a prosperous future for the generations to come. With a new health center, tribal administration building, gymnasium and multiuse sports field, and with infrastructure upgrades, the tribe is poised for sound future growth. Beyond Houlton, Chief Commander has served as a strong voice for the Maliseets and other Wabanaki people. She has testified and worked with the Legislators of both parties, setting an outstanding example for other tribal leaders. Chief Commander has inspired young people of all ages to follow in her footsteps, to seek out opportunities and to assert their ideas and leadership. We extend our congratulations and best wishes to this dedicated leader of the Houlton Band of Maliseet Indians on her service to her tribe, to the community and to the State of Maine;

(HLS 245)

Presented by Representative BEAR of the Houlton Band of Maliseet Indians.

Cosponsored by Senator SHERMAN of Aroostook, Representative FITZPATRICK of Houlton.

On **OBJECTION** of Representative BEAR of the Houlton Band of Maliseet Indians, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The SPEAKER: The Chair recognizes the Representative from the Houlton Band of Maliseet Indians, Representative Bear.

Representative **BEAR**: Thank you, Mr. Speaker. Mr. Speaker, Honorable Members of the House. I appreciate this

opportunity to speak. I am honored to rise today to ask you to join with me and my people in congratulating Chief Brenda Commander on her unprecedented reelection to a fifth four-year term as our chief. It is appropriate that this be a recognition that the House recognizes, especially today. It seems to fit in quite well with the recognition that we're giving the House members, both present and past. I didn't quite schedule it that way and I'm glad that that's the way it has come out. But so I think her record as described by the House Clerk speaks for itself. She has represented our tribe in a way that is very honorable. She has championed many causes for us. She has always sought fairness, justice and equity, and also prosperity which we are all prompted and encouraged to join in with her to do, which is why I'm here. So it is in this light of celebration that we ask you to support our legislative requests, generally, and this resolution, specifically, today. I would ask that we all join together in wishing our Sakom best wishes as she begins her fifth term in office. Thank you.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Priest.

Representative **PRIEST**: Thank you, Mr. Speaker. I, too, want to join in congratulating Chief Commander for her fifth term as the co-chair of the Judiciary Committee which deals with the tribes. It has been a pleasure to work with her. She was instrumental in getting the Maliseet Representative to the Legislature seated and she has been instrumental in a lot of the legislation that we've worked on with the tribes. I want to congratulate her and I look forward to working with her in the future.

Subsequently, the Sentiment was **PASSED** and sent for concurrence.

#### In Memory of:

the Honorable Ronald C. Bailey, of Randolph, former Member of the House of Representatives. Mr. Bailey was born in Presque Isle and graduated from Winthrop High School in 1950. He served in the United States Navy from 1951 to 1955. Following his military service, Mr. Bailey attended the University of Maine in Orono, graduating in 1961. He began his career teaching history at Farmington High School and held a variety of teaching, coaching and leadership positions in Maine School Administrative District #9, retiring as Assistant Superintendent of Schools in 1984. He earned his master's degree from the University of Maine at Farmington and he served as an adjunct professor at the University of Maine in Orono and at the Gorham campuses. After he retired from education, Mr. Bailey worked as a sales representative for Walsh Body and Trailer Corporation and later for Michaud Bus Sales and O'Connor Bus Sales, representing Blue Bird bus company. He was elected to the Maine House of Representatives in 1986, representing Farmington and New Sharon and serving 4 terms. He also served on the Maine Highway Safety Committee for over 20 years. Mr. Bailey was a member of the Farmington Rotary Club and a founding member of the Farmington Kiwanis Club, belonged to the Provost unit of the Kora Temple and was a member of American Legion Post 2. He will be greatly missed and long remembered by his loving family, his many friends and the community that he so ably served;

(HLS 244)

Presented by Representative HARVELL of Farmington. Cosponsored by Senator SAVIELLO of Franklin, Representative GRANT of Gardiner, Senator FLOOD of Kennebec.

On **OBJECTION** of Representative HARVELL of Farmington, was **REMOVED** from the Special Sentiment Calendar.

#### READ.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Harvell.

Representative **HARVELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This spring, Ron Bailey died and his family asked that this memorial be brought on Welcome Back Day because it was his favorite day. The simple words that he served in the Legislature from 1986 to 1994 are merely statistics. I remember my first meeting with Ron Bailey when I was deciding to run for office and in his living room, I began to understand why Welcome Back Day was important to him because, even now, only having been here three years, I find myself starting conversations the same that he did. They go something like this. "I don't remember what the bill was about..." and then you start to talk about the personalities. He had all of these stories and it made me realize that when we are elected here, we join a pretty select club, and, as you know, I have a portent for history and after getting elected, I began to do a little research on about how many members from every district actually have served here since the beginning of Maine and it's just about 30. That's in 200 years. As we saw the men and women come into here today and when they are in the hallways, you hear these conversations and you hear these stories, and they are so much more about who we are as people and the personalities and the relationships we forged and ultimately the battles that we fought. That is interesting as it goes forth because we, here, know, and those that have served before us, can really only know what the late nights mean, what the stress, the pressure means. Ron Bailey's family is here today, his wife, his son, his daughter-in-law and his two children, and they are the ones that suffered through what he went through and were able to listen to the stories that he told, the same stories that we one day will tell.

Subsequently, the Sentiment was **ADOPTED** and sent for concurrence.

Under suspension of the rules, members were allowed to remove their jackets.

#### REPORTS OF COMMITTEE

##### Divided Reports

Majority Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass** on Bill "An Act To Encourage the Use of Biofuels in the State"

(S.P. 415) (L.D. 1178)

Signed:

Senators:

BOYLE of Cumberland  
GRATWICK of Penobscot  
SAVIELLO of Franklin

Representatives:

WELSH of Rockport  
AYOTTE of Caswell  
CAMPBELL of Orrington  
CHIPMAN of Portland  
COOPER of Yarmouth  
GRANT of Gardiner  
HARLOW of Portland  
McGOWAN of York  
REED of Carmel

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Representative:

LONG of Sherman

Came from the Senate with the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

**READ.**

On motion of Representative WELSH of Rockport, the Majority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE**.

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED** in concurrence.

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Majority Report of the Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-48)** on Resolve, Directing the Department of Transportation To Fund or Seek Funding To Complete a Design and Engineering Assessment for the Extension of Passenger Rail Service from Portland North on the State-owned St. Lawrence and Atlantic Railway Corridor

(S.P. 344) (L.D. 999)

Signed:

Senators:

MAZUREK of Knox

COLLINS of York

Representatives:

THERIAULT of Madawaska

GILLWAY of Searsport

McLEAN of Gorham

NUTTING of Oakland

PARRY of Arundel

PEOPLES of Westbrook

POWERS of Naples

VEROW of Brewer

WERTS of Auburn

Minority Report of the same Committee reporting **Ought Not to Pass** on same Resolve.

Signed:

Senator:

VALENTINO of York

Representative:

TURNER of Burlington

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-48)**.

**READ.**

On motion of Representative THERIAULT of Madawaska, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Resolve was **READ ONCE**. **Committee Amendment "A" (S-48)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Resolve was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-48)** in concurrence.

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Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought Not to Pass** on Bill "An Act Regarding the Regulation of Consumer Finance Companies" (H.P. 421) (L.D. 602)

Signed:

Senators:

GRATWICK of Penobscot

WOODBURY of Cumberland

Representatives:

TREAT of Hallowell

BEAUDOIN of Biddeford

COOPER of Yarmouth

DOAK of Columbia Falls

FITZPATRICK of Houlton

MORRISON of South Portland

PRINGLE of Windham

WALLACE of Dexter

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-139)** on same Bill.

Signed:

Senator:

WHITTEMORE of Somerset

Representatives:

BECK of Waterville

McCLELLAN of Raymond

**READ.**

On motion of Representative McCABE of Skowhegan, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass** on Bill "An Act To Require Firearms Used in the Commission of Certain Acts To Be Civilly Forfeited to the State and Destroyed"

(H.P. 497) (L.D. 724)

Signed:

Senators:

GERZOFSKY of Cumberland

DUTREMBLE of York

Representatives:

DION of Portland

CASAVANT of Biddeford

KAENRATH of South Portland

LAJOIE of Lewiston

MARKS of Pittston

PEASE of Morrill

PLANTE of Berwick

TYLER of Windham

WILSON of Augusta

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Senator:  
PLUMMER of Cumberland

Representative:  
LONG of Sherman

**READ.**

Representative DION of Portland moved that the House **ACCEPT** the Majority **Ought to Pass** Report.

On motion of Representative FREDETTE of Newport, **TABLED** pending the motion of Representative DION of Portland to **ACCEPT** the Majority **Ought to Pass** Report and later today assigned.

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-136)** on Bill "An Act To Exempt Persons Who Have Served in the Armed Forces from the Requirement To Take a Hunter Safety Course To Obtain a Hunting License"

(H.P. 216) (L.D. 307)

Signed:

Senators:

DUTREMBLE of York  
BURNS of Washington  
HASKELL of Cumberland

Representatives:

SHAW of Standish  
BRIGGS of Mexico  
CRAFTS of Lisbon  
DAVIS of Sangerville  
ESPLING of New Gloucester  
EVANGELOS of Friendship  
KUSIAK of Fairfield  
MARKS of Pittston  
WOOD of Sabattus

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Representative:

SHORT of Pittsfield

**READ.**

Representative SHAW of Standish moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Duprey.

Representative **DUPREY**: Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative **DUPREY**: Thank you, Mr. Speaker. To any member on the committee that might know, does this require anybody who has been a member of the Armed Forces, regardless of any training, to be prohibited, they don't have to take a hunter safety course, and regardless of their training, any member of any Armed Services? Thank you, Mr. Speaker.

The SPEAKER: The Representative from Hampden, Representative Duprey, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Standish, Representative Shaw.

Representative **SHAW**: Thank you very much, Mr. Speaker. What the Ought to Pass as Amended Report does is it allows a person in the military who is stationed outside of the United States, it would waive the responsibility of taking the hunter safety course if they are back in the States on leave and they are a Maine resident. After they get off of active duty, they still would be required to take the hunter safety course. Thank you very much, Mr. Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 83**

YEA - Ayotte, Beaulieu, Beavers, Beck, Bennett, Berry, Black, Bolland, Briggs, Brooks, Campbell J, Casavant, Cassidy, Chapman, Chase, Chenette, Chipman, Clark, Cooper, Cotta, Crafts, Cray, Crockett, Daughtry, Davis, DeChant, Devin, Dickerson, Dill, Dion, Doak, Dorney, Dunphy, Duprey, Evangelos, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Gilbert, Gillway, Goode, Graham, Grant, Guerin, Hamann, Harlow, Harvell, Hayes, Herbig, Hickman, Hubbell, Jackson, Johnson D, Johnson P, Jones, Jorgensen, Kaenrath, Kent, Keschl, Kinney, Knight, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby A, Libby N, Lockman, Long, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Malaby, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau A, Nadeau C, Nelson, Newendyke, Noon, Nutting, Parry, Pease, Peavey Haskell, Peoples, Plante, Pouliot, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Russell, Sanborn, Sanderson, Saucier, Saxton, Schneck, Shaw, Short, Sirocki, Stanley, Stuckey, Theriault, Timberlake, Tipping-Spitz, Treat, Tyler, Villa, Volk, Wallace, Weaver, Welsh, Werts, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - NONE.

ABSENT - Beaudoin, Bolduc, Campbell R, Carey, Espling, Hobbins, Peterson, Powers, Rykerson, Turner, Verow.

Yes, 140; No, 0; Absent, 11; Excused, 0.

140 having voted in the affirmative and 0 voted in the negative, with 11 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-136)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-136)** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act Regarding Comparative Negligence"

(H.P. 308) (L.D. 458)

Signed:

Senators:

VALENTINO of York  
BURNS of Washington  
TUTTLE of York

Representatives:

PRIEST of Brunswick  
BEAULIEU of Auburn  
CROCKETT of Bethel  
DeCHANT of Bath  
GUERIN of Glenburn  
MONAGHAN-DERRIG of Cape Elizabeth  
MORIARTY of Cumberland  
PEAVEY HASKELL of Milford  
VILLA of Harrison

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-142)** on same Bill.

Signed:

Representative:

MOONEN of Portland

Representative MITCHELL of the Penobscot Nation - of the House - supports the Majority **Ought Not to Pass** Report.

**READ.**

On motion of Representative PRIEST of Brunswick, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-141)** on Bill "An Act To Include a Representative of the Aroostook Band of Micmacs in the House of Representatives" (H.P. 40) (L.D. 45)

Signed:

Senators:

BURNS of Washington  
TUTTLE of York

Representatives:

PRIEST of Brunswick  
BEAULIEU of Auburn  
CROCKETT of Bethel  
DeCHANT of Bath  
GUERIN of Glenburn  
MONAGHAN-DERRIG of Cape Elizabeth  
MOONEN of Portland  
MORIARTY of Cumberland  
PEAVEY HASKELL of Milford  
VILLA of Harrison

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Senator:

VALENTINO of York

Representative MITCHELL of the Penobscot Nation - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-141)** Report.

**READ.**

On motion of Representative PRIEST of Brunswick, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-141)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-141)** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

The following items were taken up out of order by unanimous consent:

**UNFINISHED BUSINESS**

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

An Act Regarding the Authority of a School Board To Elect a School Superintendent

(H.P. 10) (L.D. 6)

(C. "A" H-31)

TABLED - May 8, 2013 (Till Later Today) by Representative McCABE of Skowhegan.

PENDING - **RECONSIDERATION** (Returned by the Governor without his approval).

The SPEAKER: The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This bill is fundamentally a home rule issue. Home rule is something recognized in our Constitution in regards to our municipalities. It vests the rights in our communities, in our voters in our communities. What this bill seeks to do is to supersede the municipality. To take authority away from the municipality, because we know better. We in Augusta know better than the municipality. My understanding is this issue arises because there was a referendum in a particular municipality and that referendum was defeated, and, ergo, we now have this bill before us to try to supersede the vote of that municipality and that's fundamentally wrong. It is fundamentally wrong. If a municipality has an issue with a charter, let the municipality fix the charter. It's not up to us, 151 people from all over the entire State of Maine, to supersede our judgment for the municipality. It's fundamentally a home rule issue. It does affect an ongoing issue here in Augusta and the good Representative from Augusta, Representative Pouliot, will oppose this veto, I suspect, however, in an article today, the *Kennebec Journal*, they state, and I quote, "I'd hope the House and Senate override the governor's veto," Campbell said Wednesday. "If that doesn't happen, we'll work with council to get the charter changed." That's what it says, folks. If the House and other body doesn't do it, then we'll work with the council to get the charter changed. That's exactly the way the system is supposed to work. We're not supposed to be superseding our authority for that of the local municipality, and, therefore, I urge you to vote to sustain the Governor's veto. Thank you.

Subsequently, on motion of Representative BERRY of Bowdoinham, **TABLED** pending **RECONSIDERATION** and later today assigned.

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Limit a Governor's Pension to Governors Who Have Served 2 Full Terms

(S.P. 183) (L.D. 490)

- In Senate, Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

TABLED - May 8, 2013 (Till Later Today) by Representative BERRY of Bowdoinham.

PENDING - Motion of Representative FREDETTE of Newport to **RECONSIDER** whereby the Majority **OUGHT NOT TO PASS** Report was **ACCEPTED**. (Roll Call Requested)

Subsequently, more than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is Reconsideration whereby the Majority Ought Not to Pass Report was Accepted. All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 84

YEA - Ayotte, Beaulieu, Bennett, Black, Chase, Clark, Cotta, Crafts, Cray, Crockett, Davis, Doak, Dunphy, Duprey, Espling, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Harvell, Jackson, Johnson D, Johnson P, Jones, Keschl, Kinney, Knight, Libby A, Lockman, Long, MacDonald S, Maker, Malaby, Marean, McClellan, McElwee, Nadeau A, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Pouliot, Reed, Sanderson, Sirocki, Timberlake, Tyler, Volk, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood.

NAY - Beavers, Beck, Berry, Boland, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Hayes, Herbig, Hickman, Hubbell, Jorgensen, Kaenrath, Kent, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Marks, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Peoples, Plante, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Villa, Welsh, Werts, Mr. Speaker.

ABSENT - Beaudoin, Bolduc, Campbell R, Hobbins, Peterson, Powers, Rykerson, Turner, Verow.

Yes, 57; No, 85; Absent, 9; Excused, 0.

57 having voted in the affirmative and 85 voted in the negative, with 9 being absent, and accordingly the motion of Representative FREDETTE of Newport to **RECONSIDER** whereby the Majority **Ought Not to Pass** Report was **ACCEPTED FAILED**.

#### REPORTS OF COMMITTEE

##### Divided Reports

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act To Require That Carbon Monoxide Detectors Be Installed inside Educational Facilities"

(H.P. 412) (L.D. 593)

Signed:

Senators:

DUTREMBLE of York

PLUMMER of Cumberland

Representatives:

DION of Portland

CASAVANT of Biddeford

LONG of Sherman  
MARKS of Pittston  
PEASE of Morrill  
PLANTE of Berwick  
TYLER of Windham

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-145)** on same Bill.

Signed:

Senator:

GERZOFISKY of Cumberland

Representatives:

KAENRATH of South Portland

LAJOIE of Lewiston

WILSON of Augusta

#### READ.

On motion of Representative DION of Portland, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-144)** on Resolve, Directing the Department of Environmental Protection To Develop Quantitative Odor Management Standards

(H.P. 116) (L.D. 141)

Signed:

Senators:

BOYLE of Cumberland

GRATWICK of Penobscot

Representatives:

WELSH of Rockport

AYOTTE of Caswell

CAMPBELL of Orrington

CHIPMAN of Portland

COOPER of Yarmouth

GRANT of Gardiner

HARLOW of Portland

McGOWAN of York

REED of Carmel

Minority Report of the same Committee reporting **Ought Not to Pass** on same Resolve.

Signed:

Senator:

SAVIELLO of Franklin

Representative:

LONG of Sherman

#### READ.

On motion of Representative WELSH of Rockport, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-144)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Resolve was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-144)** and sent for concurrence.

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Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act To Streamline the Publication of Municipal Reports"

(H.P. 43) (L.D. 48)

Signed:

Senators:

LACHOWICZ of Kennebec  
COLLINS of York

Representatives:

GRAHAM of North Yarmouth  
BOLAND of Sanford  
COTTA of China  
HAYES of Buckfield  
NADEAU of Winslow  
NADEAU of Fort Kent  
PEASE of Morrill

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-146)** on same Bill.

Signed:

Representative:

CHENETTE of Saco

**READ.**

On motion of Representative McCABE of Skowhegan, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-147)** on Bill "An Act To Create a License for Metal Dealers"

(H.P. 560) (L.D. 809)

Signed:

Senators:

PATRICK of Oxford  
CLEVELAND of Androscoggin  
CUSHING of Penobscot

Representatives:

HERBIG of Belfast  
CAMPBELL of Newfield  
GILBERT of Jay  
HAMANN of South Portland  
LOCKMAN of Amherst  
MASON of Topsham  
MASTRACCIO of Sanford  
VOLK of Scarborough  
WINCHENBACH of Waldoboro

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Representative:

DUPREY of Hampden

**READ.**

On motion of Representative HERBIG of Belfast, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-147)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-147)** and sent for concurrence.

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#### SENATE PAPERS

The following Joint Order: (S.P. 575)

ORDERED, the House concurring, that when the Senate adjourn they do so until Tuesday, May 14, 2013, at 10:00 in the morning and House adjourn until 9:00 in the morning.

Came from the Senate, **READ** and **PASSED**.

**READ** and **PASSED** in concurrence.

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Bill "An Act To Expand School Choice for Maine Students"

(S.P. 576) (L.D. 1529)

Bill "An Act To Establish a Process for the Implementation of Universal Voluntary Prekindergarten Education"

(S.P. 577) (L.D. 1530)

Came from the Senate, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

**REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.

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By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

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On motion of Representative HARVELL of Farmington, the House adjourned at 12:10 p.m., until 9:00 a.m., Tuesday, May 14, 2013 pursuant to the Joint Order (S.P. 575) and in honor and lasting tribute to the Honorable Ronald C. Bailey, of Randolph.